

DEPARTMENT OF INDUSTRIAL RELATIONS

DIVISION OF LABOR STANDARDS ENFORCEMENT

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IN REPLY REFER TO:

January 13, 1987

Michael J. Hogan, Esq.
Littler, Mendelson, Fastiff
& Tichy
4944 E. Clinton Way, Suite 101
Fresno, CA 93727-1695

Dear Mr. Hogan:

This is in reply to your letter of December 29, 1986,
regarding pro rata vacation pay for seasonal agricultural
workers.

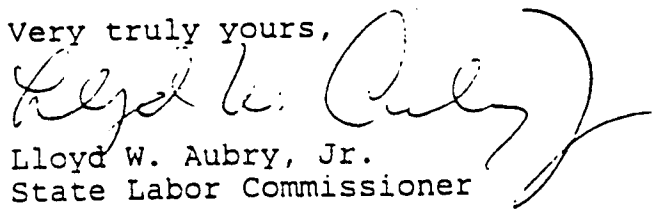
The answer to your question concerning a vacation policy
with a provision that no vacation is earned during the first 1000
hours of employment is as follows:

1. An employer is not required to prorate vacation pay if
employment terminates prior to completion of 1000 hours
(see Interpretive Bulletin No. 86-3, paragraph 7 a)).

A pro rata share of vacation pay would be due on termination
for work after 1000 hours provided, of course, (under the
employer's policy) vacation begins to accrue after 1000 hours.

I hope this is responsive to your question; if not, please
let me know.

Very truly yours,


Lloyd W. Aubry, Jr.
State Labor Commissioner

LWA:sw

Enc.